In the High Court of Judicature at Madras

Dated:07.08.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

and

The Hon'ble Mr. Justice S. MANIKUMAR

Habeas Corpus Petition No.686 of 2006

R. Kumar .. Petitioner

vs.

1. Superintendent of Police
   Namakkal District.

2. Inspector of Police
   Mohanur Police Station
   Namakkal District.

3. P. Ramadurai
4. Samuthavam .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein.

For petitioner : Mr. V. Subramanian

For respondents 1 and 2 : Mr. M. Babu Muthu Meeran
Addl. Public Prosecutor
Mr. SamyChinnaPillai for R3&4

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name R. Kumar, has filed this petition seeking direction to respondents to produce the body of the detenue Mrs. Nithya, before this Court and set her at liberty.

2. Pursuant to our direction, the detenue Nithya, appeared before us. We enquired her. According to her, she is aged about 23 years; her date of birth being 01.10.1982. On our enquiry, she denied the allegations made by the petitioner. She also denied the marriage said to have taken place between her and the petitioner on 13.07.2006. Further,

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she informed us that she is a B.E., graduate and now she is living with her parents/respondents 3 and 4 at her own volition. She further asserted that she is not under the illegal custody or detention of any one, including respondents 3 and 4.

3. In the light of the above assertion of the detenue and as on date she being a major, we are not inclined to accept the case of the petitioner. Accordingly, we are satisfied that no further direction is required, except the observation that the detenue is free to take her own decision. In the enquiry it is also brought to our notice that some of her educational certificates, such as, mark sheet, transfer certificate, provisional certificate, etc., were taken away by the petitioner and she seeks direction for return of the same. The petitioner is directed to return all the original documents entrusted to him to the detenue through second respondent immediately.

With the above observation, this petition is closed. The petitioner is free to approach the appropriate forum to vindicate his grievance, if any.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To
1. The Superintendent of Police
   Namakkal District.

2. The Inspector of Police
   Mohanur Police Station
   Namakkal District.

3. The Public Prosecutor, High Court, Madras.

+ 1 CC To Mr. V.Subramanian, Advocate SR NO. 35223

H.C.P.No.686/2006

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